



DAC

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application

Inventor(s): Rocky Stewart et al.

SC/Serial No.: 09/785,687

Confirm. No.: 3903

Filed: February 16, 2001

Title: MESSAGE ROUTING SYSTEM FOR
ENTERPRISE WIDE ELECTRONIC COMMERCE

PATENT APPLICATION

Art Unit: 2161

Examiner: Unknown

Customer No. 23910

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited in the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, Washington, DC 20231, on December 28, 2001.

(Agent Signature)

Karl Kenna, Reg. No. 45,445

Signature Date: December 28, 2001

TRANSMITTAL LETTER

Commissioner for Patents
Box DAC
Washington, DC 20231

RECEIVED

JAN 30 2002

OFFICE OF PETITIONS

Sir:

Transmitted with this communication in connection with the above-identified application are the following:

✓ A Request for Reconsideration of Petition Under 37 C.F.R. §1.47(a) dated November 15, 2001.

✓ A Declaration for Patent Application.

The fee associated with this communication has been calculated as shown below:

☒ No fee is required with this communication.

☐ A fee for addition of claims under 37 C.F.R. §1.16 is due as follows:

Claims Remaining After Amendment	Highest Previously Paid For	Number Extra	Rate Small Entity/ Other Than Small Entity
Total			\$ 9.00
Claims <u>20</u> - <u>20</u>	=	<u>0</u> X	\$18.00 = \$0.00
Independent			\$42.00
Claims <u>2</u> - <u>3</u>	=	<u>0</u> X	\$84.00 = \$0.00
First Presentation of			\$140.00
Multiple Dependent Claim(s) <u> </u>			\$280.00 = \$0.00

*If the difference is less than zero, enter "0".

Additional Fee = \$0.00

☒ The Commissioner is hereby authorized to charge underpayment of any fees, including the following fees, associated with this communication or credit any overpayment to Deposit Account No. 06-1325. A duplicate copy of this authorization is enclosed.

☒ Any filing fees under 37 C.F.R. §1.16 for the presentation of additional claims.

☒ Any patent application processing fees under 37 C.F.R. §1.17 including any applicable fee for extension of time.

Respectfully submitted,

Date: December 28, 2001

By: 

Karl F. Kenna
Reg. No. 45,445

FLIESLER DUBB MEYER & LOVEJOY LLP
Four Embarcadero Center, Fourth Floor
San Francisco, California 94111-4156
Telephone: (415) 362-3800



#9

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application

Inventor(s): Rocky Stewart et al.

SC/Serial No.: 09/785,687

Confirm. No.: 3903

Filed: February 16, 2001

Title: MESSAGE ROUTING SYSTEM FOR ENTERPRISE
WIDE ELECTRONIC COMMERCEPATENT APPLICATION

Art Unit: 2161

Examiner: Unknown

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(Agent Signature)

Karl Kenna, Reg. No. 45,445

Signature Date: December 28, 2001

REQUEST FOR RECONSIDERATION OF PETITION
UNDER 37 C.F.R. §1.47(a)

Commissioner for Patents
Box DAC
Washington, DC 20231

RECEIVED

JAN 30 2002

OFFICE OF PETITIONS

Sir:

This Request for Reconsideration is in reply to the Decision of the Office of Petitions of November 15, 2001 setting a two month period of response, up to January 15, 2001. Accordingly, this request is timely filed.

In that Decision, the Petition under 37 C.F.R. §1.47(a) to accept the application without a signed declaration from one of the inventors was denied. The Petitions Attorney argued that Applicant had failed to make a diligent effort to locate the non-signing inventor. On the contrary, Petitioner has made and continued to make a diligent effort as Petitioner has now obtained a signed Declaration.

Thus in support of the pending patent application, since filing the original Petition under 37 C.F.R. §1.47(a), Petitioner has located and obtained a signed declaration of the non-signing inventor, Timo

Metsaportti. A signed declaration of Mr. Metsaportti in accordance with §1.63 is enclosed herewith. Petitioner respectfully submits that this renders moot the decision to deny the petition. Petitioner therefore requests that the declaration of Mr. Metsaportti be included in the application and the application considered forthwith.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 06-1325 for any matter in connection with this request, including any fee for extension of time, which may be required.

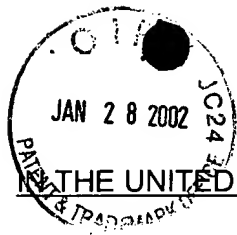
Respectfully submitted,

Date: December 28, 2001

By: 

Karl Kenna
Reg. No. 45,445

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#10

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application

) PATENT APPLICATION

Inventor(s): Rocky Stewart, et al.

RECEIVED

SC/Serial No.: 09/785,687

JAN 30 2002

Filed: February 16, 2001

OFFICE OF PETITIONS

Conf. No.: 4298

Title: MESSAGE ROUTING SYSTEM FOR
ENTERPRISE WIDE ELECTRONIC
COLLABORATIONCustomer No. 23910DECLARATION FOR PATENT APPLICATION

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name; I believe that I am the original, first and sole inventor (if one name is listed below), first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

MESSAGE ROUTING SYSTEM FOR ENTERPRISE WIDE ELECTRONIC COLLABORATION

the specification of which (check applicable ones):

is filed herewith;

 X

was filed with the above-identified "Filed" date and "SC/Serial No."

was amended on (or amended through) ____.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above. I acknowledge the duty to disclose information which is material to the examination of the application in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

(1) Full name of sole
or first inventor: Rocky Stewart

(1) Residence: 11 Saddleback Court
Danville, CA 94506

(1) Post Office Address: 2315 North First Street
San Jose, CA 95131

(1) Citizenship: U.S.

(1) Inventor's signature:

(1) Date:

(2) Full name of third
joint inventor: Pal Takacsi-Nagy

(2) Residence: 10553 Farallone Drive
Cupertino, CA 95014

(2) Post Office Address: 2315 North First Street
San Jose, CA 95131

(2) Citizenship: Hungary

() Inventor's signature: _____

(2) Date: _____

(3) Full name of second
joint inventor: Timo Metsaportti

(3) Residence: Koivunrunko 8B
Espoo, Finland 02130

(3) Post Office Address: 2315 North First Street
San Jose, CA 95131

(3) Citizenship: Finland

(3) Inventor's signature: 

(3) Date: 11/15/2001

(4) Full name of fourth
joint inventor: Michael Hyndman

(4) Residence: 690 Briar Ranch Lane
San Jose, CA 95120

(4) Post Office Address: 2315 North First Street
San Jose, CA 95131

(4) Citizenship: U.S.

(4) Inventor's signature:

(4) Date:

**SECTION 1.56. DUTY TO DISCLOSE INFORMATION
MATERIAL TO PATENTABILITY**

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§1.97(b)-(d) and 1.98.* However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or

(2) It refutes, or is inconsistent with, a position the applicant takes in:

- (i) Opposing an argument of unpatentability relied on by the Office; or
- (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

* §§1.97(b)-(d) and 1.98 relate to the timing and manner in which information is to be submitted to the Office.